

Minutes

Arkansas State Board of Optometry
Victory Building, Room 445
1401 W. Capitol
Little Rock, AR
February 13, 2020

Dr. Bryant Ashley, Board President, called the meeting to order at 1:30 p.m. with all Board members present except Dr. Herman Ginger. Others present were Dr. Howard Flippin, Board Executive Director, Ms. Bonita Wineman, Board assistant, Mr. Kevin O'Dwyer, Board attorney, Vicki Farmer and Debbie Henley, Arkansas Optometric Association, Matt Gilmore, Arkansas Department of Health, Dr. Allison Hall of the Arkansas State Board of Opticians, and Dr. Bryan Brown.

Dr. Ashley introduced the three applicants to take the Board exams—Drs. Blaine Matthew Carson, Ashley McGee, and Kelsey White. They were excused with Ms. Wineman to take the exam.

Dr. Smalling presented the minutes of the November 21, 2019 Board meeting.

Dr. Hennessey made a motion to approve the minutes. Mr. White made a second. The motion passed.

Dr. Smalling presented minutes of the Conference Call meeting on January 15, 2020.

Dr. Ford made a motion to approve the minutes. Mr. White made a second. The motion passed.

Dr. Flippin gave the Board an accounting update. He handed out a written report with bank balances, checking account activities and bank account reconciliation reports.

Mr. Gentry made a motion to accept the financial report. Dr. Hennessey made a second. The motion passed.

Dr. Flippin reported that he had had two meetings with the Arkansas Department of Health about financial affairs. Mr. Matt Gilmore of ADH reported that most of the Boards under the ADH now deposit money into the State Treasury. We now use a bank in Searcy and he said we could still deposit there but ADH will sweep the account into the Treasury daily. Invoices will be forwarded to the ADH and they will issue checks. Funds will not co-mingle—separate funds. This will add a layer of accountability that will improve our audits.

Dr. Smalling made a motion to allow transfer of Board checking account funds to the Arkansas State Treasurer office. Dr. Hennessey made a second. The motion passed.

Dr. Ashley introduced Dr. Bryan Brown, applicant for licensure by endorsement. He has met all requirements for licensure. He is US Army veteran and native of Conway.

Dr. Hennessey made a motion to license Dr. Brown by endorsement. Mr. White made a second. The motion passed.

Dr. Ashley discussed the relation between the National Board of Examiners (NBEO) and Association of Regulatory Boards of Optometry (ARBO). The contract between the two groups has lapsed and is still being negotiated. The NBEO provides testing for ARBO member boards for licensure.

Dr. Ashley reported that two Optometric Colleges had responded to the Board on their graduates' education in relation to lasers and lumps and bumps. University of California/Berkeley and Western University of Health Sciences reported recently that their graduates are certified. This makes 18 colleges of the 23 have responded in the affirmative. Those not responding are Midwestern University (AZ), MCPHS University (MA), Salus University PCO (PA), Inter American University of Puerto Rico, and University of Houston.

Dr. Ashley reported on genetic testing by Doctors of Optometry. Request from Mr. Chris Lewis of the Jasos group was tabled at the last meeting. After discussion, Board requested that Dr. Smalling check with other Boards on their policy on genetic testing at the ARBO meeting in Atlanta March 7 and report to the Board next meeting. By common consent this issue was tabled again.

Dr. Ashley reported on Dr. Micah Thomason's complaint. The complaint had come in over the Medicaid Fraud Hotline by a local optometrist. The Office of the Inspector General forwarded the complaint to the Board office. He reported that he had signed forms from parents to allow his examination at the daycare center. The response letter from Dr. Thomason was reviewed, and he reported that the issue had been resolved. The Board office has received no further information from the OIG.

Mr. O'Dwyer reported the fingerprinting of applicants by the FBI for licensure is not allowed with the present wording in our statutes/regulations. He recommended getting the proper language from FBI and incorporate that into our statutes/regulations.

Dr. Hennessey made a motion to clean up the language to allow fingerprinting of applicants by FBI.

Mr. White made a second. The motion passed.

Dr. Flippin reported that seventeen licensees did not choose to renew their license. They are Drs. Abraham Akel, Jr., Kathleen Kelley Abarr, Lindsey Adams, Peter Gabriel Bako, Cameron Frederick Boboth, Jessica M. Colpitt, Richard Foster, Joe Horton, Thomas G. Justus, Nicholas Joseph, McColley, Kirstin Jennell McKnight, Marc Parnell, Anna J Schlesselman, Eric Stein, David Thurman, Mark H. Travis, and Kent Wilson.

Dr. Smalling made a motion to accept the request by these licensees to not renew their licenses.

Mr. White made a second. The motion passed.

Mr. O'Dwyer reported on the eyedr.com issue. He reported the OD's are employed by a Texas ophthalmologist with an Arkansas license. Drs. Allison Hall and Dan Hennessey reported that the Board of Opticians on which they serve is waiting on our Board to make a clarification of who owns the practice and who is employing the opticians working in these offices. No action was taken.

Dr. Ashley reported that Southern College of Optometry is requesting that their 32-hour advanced procedures course be given acceptance to fulfil the requirements of our new law. This course is accepted by Louisiana and Kentucky.

Dr. Smalling made a motion to accept the SCO course. Dr. Hennessey made a second.

The motion passed.

Dr. Ashley stated that since the new law is in limbo. The Board exam scheduled for February 29 is cancelled, and the public hearing scheduled for today will not take place.

Dr. Ashley reported that the telemedicine issue is handled differently in every state. He requested Board volunteers to work with Mr. O'Dwyer on preparing guidelines for telemedicine in Optometry in Arkansas. Drs. Ford and Hennessey volunteered. Mr. O'Dwyer recommended to evaluate artificial intelligence also.

Dr. Smalling reminded the Board of the ARBO regional meeting in Atlanta March 7. He volunteered to represent the Board.

Dr. Hennessey made a motion to authorize Dr. Smalling's expenses to represent the Board at the ARBO meeting.

Mr. Gentry made a second. The motion passed.

Dr. Ashley stated that he had talked to Dr. Herman Ginger, and he wishes to resign from the Board for health reasons. He will send in a letter of resignation very soon.

Dr. Flippin announced that the current lease on Board offices expires in September, and he intends to retire as Executive Director at that time. Ms. Wineman intends to retire also. The Governor and Secretary of Health has to approve the Executive Director, and the Board hires the assistant. Department of Health building on Asher Avenue in Little Rock has office space available, and most board offices are now in Little Rock.

Dr. Hennessey made a motion to pay per diem and mileage for 2020 calendar year. Dr. Ford made a second.

The motion passed.

Dr. Hennessey made a motion to pay per diem and mileage for today's meeting. Dr. Ford made a second. The motion passed.

The next Board meeting is scheduled for 1:30 pm April 23, 2020 at the Attorney General's office. Remaining meeting for 2020 are June 18, August 13, October 8, and November 19. Jurisprudence courses are April 24 (LR) and October 16 (Rogers). ARBO annual is June 21-23 (Alexander, VA).

Dr. Hennessey made a motion to adjourn. Dr. Ford made a second. The motion passed.

The meeting adjourned at 3:05pm.

Dr. Bryant Ashley, President

Dr. Robert W. Smalling, Secretary/Treasurer